

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:07cv11

**ELENA M. DAVID; ARLEEN J. STACH; and
VICTOR M. HERNANDEZ,**

Plaintiffs

Vs.

ORDER

**J. STEELE ALPHIN; AMY WOODS
BRINKLEY; EDWARD J. BROWN, III;
CHARLES J. COOLEY; RICHARD M.
DeMARTINI; BARBARA J. DESOER;
JAMES H. HANCE; LIAM E. McGEE;
EUGENE M. McQUADE; ALVARO G.
de MOLINA; MICHAEL E. O'NEILL;
OWEN G. SHELL, JR.; R. EUGENE
TAYLOR; F. WILLIAM VANDIVER, JR.;
BRADFORD H. WARNER; CHARLES W.
COKER; STEVEN JONES; KENNETH D.
LEWIS; BANK OF AMERICA
CORPORATION; BANK OF AMERICA
CORPORATION CORPORATE
BENEFITS COMMITTEE,**

Defendants.

THIS MATTER is before the court on defendants' second Motion to Continue Stay of Discovery as to Issues of Market Timing. It appears that the pending, signed settlements in the MDL action, including a settlement related to Bank of America,

have not yet been approved by the MDL court. In moving for such further relief, defendants note that they have consulted with plaintiffs, who continue to oppose the relief based on the reasons stated in their prior submission. The court notes those objections and will allow a further extension of the stay based on the reasons previously discussed. Having considered defendants' motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendants' second Motion to Continue Stay of Discovery as to Issues of Market Timing (#144) is **GRANTED**, and the **STAY** of discovery on issues of market timing is **EXTENDED** up to and inclusive of April 16, 2009.

Signed: January 12, 2010



Dennis L. Howell
United States Magistrate Judge

